



## Lamoine Board of Selectmen

606 Douglas Hwy  
Lamoine, ME 04605  
(207) 667-2242  
town@lamoine-me.gov

### Minutes of September 26, 2013

Chair Jo Cooper called the meeting to order at 7:00 PM

Present were: Selectmen S. Josephine Cooper, Nathan Mason, Brett Jones, Cynthia Donaldson, Gary McFarland; Administrative Assistant Stu Marckoon, Code Enforcement Officer Michael Jordan, RSU 24 Representative Brett Jones, Education Planning Committee members Jon VanAmringe, Robert Pulver, Hancock County Deputy Jacob Day and Neil Salisbury.

**Agenda Review** – Jo noted that there was a request from Neil Salisbury to meet with the Selectmen and that would be moved to the beginning of the agenda when he shows up.

**Minutes – September 12, 2013** – Jo moved to approve the minutes as written. Gary 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Minutes – September 24, 2013** – Because the minutes were not available until earlier in the day, the board agreed to postpone adoption until the next meeting.

**Expenditure Warrant 5** – Selectmen signed warrant 5 in the amount of \$39,335.83. Stu noted the largest expenditures were for crack sealing, the annual audit, and the tax map update.

**Meeting with Neil Salisbury** – Mr. Salisbury asked if the Selectmen could agree that he is a man and that the Selectmen are public servants. Jo said she hoped so. Mr. Salisbury said that he accepted that the Selectmen have sworn their oaths of office.

Mr. Salisbury said he was made a presentment from the tax collector and treasurer, and he made an affidavit indicating that he no longer has an interest in his property. He said he wrote two letters to the tax collector and received no response. He said he expects to be responded to.

Jo asked Mr. Salisbury what his question was. Mr. Salisbury said he received a tax bill and a lien and said he does not own the property. Jo said the property will end up belonging to the town if the taxes are not paid. She asked Mr. Salisbury who does own it. Mr. Salisbury replied that it was not his responsibility to provide that information. Jo asked if he has written down the name of the new owner. Mr. Salisbury again stated it was not his responsibility and said he does not know of any law that would require it. Jo said the town could check with its attorney to see what the next step would be. She thanked Mr. Salisbury for his communication with the board and said she was not sure what the board could do for him.

Mr. Salisbury said in the 2<sup>nd</sup> letter he sent a portion of the US Constitution. He said the constitution says he has the right to possess and protect property. He said Stu had written to him asking who the grantor was. He said God owns the land, he is just a caretaker and he has decided to turn his property interest over to somebody else. Mr.

Salisbury asked if Stu in writing the letter was acting as the town treasurer or as a man. Stu said he was acting in his capacity as the town treasurer. He asked if Stu would put his hand on the bible and swear that he owed the town money.

Jo said the Selectmen would be in touch. Mr. Salisbury said he wished they board would perform a finding of fact and a conclusion of law. He said without that, he would take this matter to a common law court and not a statutory court. He said the town is a private company listed on Dun and Bradstreet along with the League of Towns, working as a private corporation under a codified constitution. He said he was operating on an original 1820 Constitution. Jo said the town could consult with a legal expert and communicate with him. Mr. Salisbury said he would like a response from tax collector Jennifer Kovacs. Jo said he would probably get that.

Mr. Salisbury left the meeting.

**Cash & Budget report** – Jo asked about the expenditures for RSU Withdrawal. Stu said it was a continuing account and the figures reflect the total expenditures since creation. He said he would have to double check the report and correct either the beginning balance or the year to date expenditure. Brett noted that the withdrawal effort has not cost much, and the town had the benefits of a shared attorney.

**Health Insurance Notice** – Stu reported that he put a proposed notice to employees regarding health insurance coverage in the packet. Jo moved to approve the notice. Cynthia 2<sup>nd</sup>. **Vote in favor was 5-0.**

**General Assistance Public Hearing** – Jo opened the hearing at 7:17 PM. Stu explained that the figures supplied under the model Maine Municipal Association ordinance are updated annually to account for inflation and the like. He said those figures are used to determine eligibility. It was noted that clients of other agencies often need a letter of GA refusal to qualify for other programs. There was no further testimony and the hearing closed at 7:19 PM. Jo moved to adopt the ordinance amendments. Gary 2<sup>nd</sup>. **Vote in favor was 5-0 and the Selectmen signed the amendments.**

**Road Work List** – Stu presented the proposed work list for the fall. He noted that a large culvert under Needles Eye Road needed to be replaced, and he has proposed storm grates for ditches on Buttermilk and Mill Roads to lessen the severity of the ditch at the inlets of both culverts. Selectmen asked who would be doing the work. Stu said he splits it up between Jay Fowler and Richard McMullen. There was no objection to the list.

**Appointment Policy** – Stu said he had e-mailed the draft to all appointees, and there was one comment received favoring the policy. Bernie said he was bothered by the non-compensated position provision in regard to a vacancy being declared, and the only person who had a say in continuing on is the incumbent appointee. There was a lengthy discussion about whether the policy precluded others from being appointed to a position where the incumbent wished to continue. Brett Jones said the instrument seemed to be written in a form that favors continued appointments in positions.

Michael Jordan said there are term limits for appointed personnel just as there are for elected officials. He said maybe some of the appointed positions ought to be elected. He said there should be no difference between reappointment and election. Jo said the board could look at it some more. She said she is concerned that it is becoming complicated.

Nathan asked if it is public knowledge when a term is up and a position is open. Stu said the terms of all the appointed officials are posted and printed in the town report. He said if there is no vacancy, the position is not actively advertised. A discussion followed on the reappointment process.

Mr. Jones said the process might be discouraging for people who might like to serve the community. He said he would like to see wording that confirms that appointees serve at the pleasure of the Board of Selectmen. Mr. Jordan said the Planning Board has a finite number of members. Stu said he could add the pleasure of the board service language to section 8 of the draft. Jo said she'd like to think about the document some more. The Board agreed to table the proposed policy until the next meeting and requested up to date versions in their next packets.

**Resignation – Jane Fowler** – Jo moved to accept the resignation of Mrs. Fowler as an alternate Budget Committee Member. Gary 2<sup>nd</sup> with regret. There was a brief discussion about appointing another alternate. Stu noted that one alternate already serves and when Mrs. Fowler expressed her interest in serving and was appointed as a 2<sup>nd</sup> alternate. **Vote in favor of accepting the resignation was 5-0, Selectmen signed a letter to Mrs. Fowler.**

**Back Up Transfer Station Attendant** – Stu reported that Paul Davis had expressed interest in not continuing in this role and Bill Fennelly has spoken with Adam Sargent about doing this, and Mr. Sargent was interested. Cynthia asked if this position should be advertised. There was a discussion about the very infrequent use of the backup. Cynthia asked if any in the TV audience was interested to contact the town office. Selectmen agreed to wait until the next agenda to give others the opportunity to indicate their interest.

**Lamoine Quarterly** – Stu said the front page was drafted, but he's not had a chance to do more. He said he planned to have it ready for final approval at the next meeting. Cynthia read an article she drafted for the quarterly on the resolve about children passed at town meeting.

**Benefit for Karst Family** – Brett said he had hoped to set up an account at Bangor Savings Bank for the Karst family which lost their home to fire the previous day. He said perhaps the Fire Department could use its tax ID number for that. Stu said Brett had suggested the town office as a gift card drop off site. There was no objection.

**RSU 24 Withdrawal Vote – Report** – Jo said there was a lot of material sent from the Education Planning Committee and it was very well written. She said she would like to

make the information available on the website and at the town hall. She asked if there was a summary. Jon VanAmringe said the summary was on page 6 of the report.

Mr. VanAmringe said the committee received the charge to perform evaluations on the withdrawal agreement, and the committee that was appointed agreed to reserve their personal opinions in order to gather facts. He said there were a lot of resources and lots of detail. He said there are two components to withdrawal. He said the first component was easier to calculate as the facts were from the agreement itself in which the town would pay the RSU \$254,000 in two payments upon withdrawal, but receive back \$193,000 from the for the town's share of surplus and other items. He said the latter figure is based on the 2013/14 budget. He said the net cost to withdraw is about \$60,000.

Mr. VanAmringe said the second part was far more difficult to calculate, and that was the cost to run a standalone system. He explained the process the followed and reported the committee came up with a cost per student figure. He said there was a lot of data, and the committee assumed that the town could contract for a part time superintendent, sharing perhaps with other communities. He said the estimates are conservative, and the budget number would differ, but that would be up to a new school committee should the withdrawal vote succeed.

Mr. VanAmringe said the conclusion is that if nothing changes from today, there is not enough difference in the figures to base a decision strictly on cost.

He said the committee also looked at the impacts based on which towns stayed with the RSU and which towns left. He said if other towns pull out it will have a significant impact on the cost of education. He said the worst case would be detrimental to Lamoine. He noted that while Hancock and Ellsworth receive Essential Programs and Services (EPS) money, Lamoine does not. He said Lamoine currently benefits from 8.12% of the total EPS received by the RSU. He again stated that cost is not really a factor in the decision.

He said there appears to be some grumbling among the towns that make up RSU 24 that the cost allocation is unfair. He said the RSU Board has apparently been looking at reallocation of those costs. He said the committee did not get into that controversy. He said the committee also did not look at the qualitative aspects of whether the educational needs of the students are better served by the district. He said the quantitative aspects point to that if one community leaves, then Lamoine had better leave.

Jo said that was the best explanation she has heard yet, and thanked the committee for its work. Brett Jones said he was pleased when he read the report. He said the RSU Board will likely re-do the cost sharing formula in 2015. He said the original formula was based on the amount each community exceeded EPS. A brief discussion followed.

Mr. VanAmringe said it is important to make sure at least 451 voters cast ballots. He said the town otherwise has no say. There was a brief discussion about whether Ellsworth would manage to get the quorum numbers, and Mr. VanAmringe said the bottom line is to get people out to vote.

Mr. Jones said it might have been better to wait a year and let Ellsworth and Hancock make their decisions. A lengthy discussion followed.

The Selectmen thanked the Education Planning Committee for its work and hoped that someone would be able to speak in regard to the report at the public hearing on October 24<sup>th</sup>.

**Gravel Ordinance Meeting Follow Up** – Selectmen received the latest draft changes from the Planning Board. There was no action about placing those before town meeting, as more information is likely to come from the town attorney on other matters regarding the ordinance.

**Budget** – Stu noted the Budget Committee would meet with the Selectmen on October 10, 2013. He asked for guidance in formulating the budget. Selectmen advised to stay the course. No new big expenditures were proposed.

**Conservation Commission Trail Grant Application** – Stu said he has a couple of concerns about the letter the Conservation Commission had requested in support of a grant to install a parking lot by a trail system. He said the land is private property and the concern is about spending public money on private property. He said the other concern has to do with Planning Board approval and the Planning Board has not yet seen the plans to give approval. Jo said she would like more information before signing a support letter. She said she is not comfortable with voting on the matter tonight and would like to invite the Conservation Commission to the next meeting.

**Returnables Request** – Cynthia moved to award the proceeds from the returnables to the Girl Scout troop in January 2014. Jo 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Fire Loss** – Bernie recapped what took place at the fire on Walker Road the previous day in which a home was lost. Brett Jones said he was on scene within 30-seconds of the call and the windows popped out in that time. He praised the mutual aid response and the training that many of the responders had received at the Hancock County Fire Academy. He also noted that the fire department utilized the water tank at his subdivision very near the fire scene.

**Traffic light – Route 204 and 3** – Stu reported that the Maine DOT had confirmed to him that a traffic light would be installed at this intersection in September 2014.

**On-Line Policy Statement** – Cynthia said she had finished a draft update to the on-line policy statement which she would share with Stu. She said there was no particular rush to update this but it should be made simpler.

**Next meetings-** Selectmen will meet next on October 10, 2013, then on the 24<sup>th</sup> at the school to be followed by the RSU withdrawal vote public hearing. The Board will meet one November 7 and 21, and only once in December on the 12<sup>th</sup>.

**School Liaison** – Bernie recalled the conversation with the students at the Lamoine School last spring and the possibility of having a school student liaison to meet periodically with the Selectmen. He suggested floating that idea past the new principal at the school.

**Town Meeting Date** – Selectmen set March 11, 2014 as the municipal officer election date and the next evening, March 12, 2014 as the open town meeting date. Cynthia noted that she will not be running for re-election as she plans to retire after 3-terms.

There being no further business, the meeting adjourned at 8:49 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen